

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THOMAS ANDREW CENSKE,

Petitioner,

v.

Case Nos. 2:06-cv-281 / 2:02-cr-22

HON. R. ALLAN EDGAR

UNITED STATES OF AMERICA,

Respondent.

_____/

MEMORANDUM AND ORDER

Petitioner Thomas Andrew Censke (“Censke”) filed a motion for post-conviction relief pursuant to 28 U.S.C. § 2255. He is currently a Michigan state prisoner in the custody of the Michigan Department of Corrections. Censke is an inmate at the Ionia Maximum Correctional Facility in Ionia, Michigan.

On December 1, 2006, the Court entered a judgment denying and dismissing the 28 U.S.C. § 2255 motion. [Doc. No. 3]. This Court rendered an accompanying memorandum opinion and order explaining the reasons for its judgment. [Doc. No. 5]. In the judgment, this Court states that if Censke should timely file a notice of appeal, it shall be treated as an application for a certificate of appealability which is **DENIED** pursuant to 28 U.S.C. § 2253(c)(2) and Fed. R. App. P. 22 (b)(1) because the Court finds that Censke has not made a substantial showing of the denial of a constitutional right.

Censke subsequently made a motion for reconsideration [Doc. No. 4] which this Court denied [Doc. No. 6].

Censke has now filed a notice of appeal. [Doc. No. 13]. The Clerk of the Court of Appeals for the Sixth Circuit wrote a letter to Censke dated January 16, 2007. The letter states that before he may proceed with the appeal, the District Court must make a determination whether to certify any issues for appeal. This has already been done. To clarify the record, this District Court reiterates what it has previously provided in the judgment. [Doc. No. 3]. This Court treats Censke's notice of appeal as an application for a certificate of appealability which is **DENIED** pursuant to 28 U.S.C. § 2253(c)(2) and Fed. R. App. P. 22 (b)(1). For the reasons expressed by the Court in its memorandum opinion and order [Doc. No. 5], this Court finds that Censke has not made a substantial showing of the denial of a constitutional right.

SO ORDERED.

Dated: January 31, 2007.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE